

(b) TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g) of such Act (42 U.S.C. 1396u-3(g)) is amended—

(1) in paragraph (2)—

(A) by striking “and” at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting “; and”; and

(C) by adding at the end the following new subparagraphs:

“(D) for the period that begins on October 1, 2005, and ends on December 31, 2005, the total allocation amount is \$100,000,000; and

“(E) for the period that begins on January 1, 2006, and ends on September 30, 2006, the total allocation amount is \$300,000,000.”; and

(2) in paragraph (3), in the matter preceding subparagraph (A), by inserting “or (D)” after “subparagraph (B)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective as of September 30, 2005.

SEC. 3. EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT PROGRAM, TRANSITIONAL MEDICAL ASSISTANCE, AND RELATED PROGRAMS THROUGH MARCH 31, 2006.

(a) IN GENERAL.—Activities authorized by part A of title IV of the Social Security Act, and by sections 510, 1108(b), and 1925 of such Act, shall continue through March 31, 2006, in the manner authorized for fiscal year 2005, notwithstanding section 1902(e)(1)(A) of such Act, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the second quarter of fiscal year 2006 at the level provided for such activities through the second quarter of fiscal year 2005.

(b) CONFORMING AMENDMENT.—Section 403(a)(3)(H)(ii) of the Social Security Act (42 U.S.C. 603(a)(3)(H)(ii)), as amended by section 2(b)(2)(A) of the TANF Emergency Response and Recovery Act of 2005 (Public Law 109-68), is amended by striking “December 31, 2005” and inserting “March 31, 2006”.

(c) EXTENSION OF THE NATIONAL RANDOM SAMPLE STUDY OF CHILD WELFARE AND CHILD WELFARE WAIVER AUTHORITY THROUGH MARCH 31, 2006.—Activities authorized by sections 429A and 1130(a) of the Social Security Act shall continue through March 31, 2006, in the manner authorized for fiscal year 2005, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the second quarter of fiscal year 2006 at the level provided for such activities through the second quarter of fiscal year 2005.

SEC. 4. RESTRICTION ON COVERED DRUGS UNDER THE MEDICAID AND MEDICARE PROGRAMS.

(a) EXCLUSION UNDER MEDICARE BEGINNING IN 2007.—Section 1860D-2(e)(2)(A) of the Social Security Act (42 U.S.C. 1395w-102(e)(2)(A)) is amended by inserting “and, only with respect to 2006, other than subparagraph (K) (relating to agents when used to treat sexual or erectile dysfunction, unless such agents are used to treat a condition, other than sexual or erectile dysfunction, for which the agent has been approved by the Food and Drug Administration)” after “agents”.

(b) RESTRICTION UNDER MEDICAID.—

(1) IN GENERAL.—Section 1927(d)(2) of the Social Security Act (42 U.S.C. 1396r-8(d)(2)) is amended by adding at the end the following new subparagraph:

“(K) Agents when used to treat sexual or erectile dysfunction, except that such exclu-

sion or other restriction shall not apply in the case of such agents when used to treat a condition, other than sexual or erectile dysfunction, for which the agent has been approved by the Food and Drug Administration.”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to drugs dispensed on or after the date that is 60 days after the date of enactment of this Act.

The bill (H.R. 3971), as amended, was read the third time and passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 312, 313, 314, 315, 316, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 366, 367, 368, 369, and all nominations on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF JUSTICE

Kenneth L. Wainstein, of Virginia, to be United States Attorney for the District of Columbia for the term of four years, Howard, Jr., resigned.

THE JUDICIARY

Juliet JoAnn McKenna, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

John R. Fisher, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

FEDERAL LABOR RELATIONS AUTHORITY

Colleen Duffy Kiko, of Virginia, to be General Counsel of the Federal Labor Relations Authority for a term of five years.

DEPARTMENT OF HOMELAND SECURITY

Stewart A. Baker, of Virginia, to be an Assistant Secretary of Homeland Security.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Kim Kendrick, of the District of Columbia, to be an Assistant Secretary of Housing and Urban Development.

Keith A. Nelson, of Texas, to be an Assistant Secretary of Housing and Urban Development.

Darlene F. Williams, of Texas, to be an Assistant Secretary of Housing and Urban Development.

Keith E. Gottfried, of California, to be General Counsel of the Department of Housing and Urban Development.

DEPARTMENT OF COMMERCE

David H. McCormick, of Pennsylvania, to be Under Secretary of Commerce for Export Administration.

DEPARTMENT OF THE TREASURY

Patrick M. O'Brien, of Minnesota, to be Assistant Secretary for Terrorist Financing, Department of the Treasury.

DEPARTMENT OF COMMERCE

Israel Hernandez, of Texas, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.

Darryl W. Jackson, of the District of Columbia, to be an Assistant Secretary of Commerce.

DEPARTMENT OF THE TREASURY

Emil W. Henry, Jr., of New York, to be an Assistant Secretary of the Treasury.

DEPARTMENT OF STATE

Thomas A. Shannon, Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (Western Hemisphere Affairs).

INTER-AMERICAN DEVELOPMENT BANK

Jan E. Boyer, of Texas, to be United States Alternate Executive Director of the Inter-American Development Bank.

OVERSEAS PRIVATE INVESTMENT CORPORATION

Robert A. Mosbacher, of Texas, to be President of the Overseas Private Investment Corporation.

MILLENNIUM CHALLENGE CORPORATION

John J. Danilovich, of California, to be Chief Executive Officer, Millennium Challenge Corporation.

DEPARTMENT OF STATE

Josette Sheeran Shiner, of Virginia, to be United States Alternate Governor of the International Bank for Reconstruction and Development for a term of five years; United States Alternate Governor of the Inter-American Development Bank for a term of five years; United States Alternate Governor of the African Development Bank for a term of five years; United States Alternate Governor of the African Development Fund; United States Alternate Governor of the Asian Development Bank; and United States Alternate Governor of the European Bank for Reconstruction and Development.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Kent R. Hill, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

Jacqueline Ellen Schafer, of the District of Columbia, to be an Assistant Administrator of the United States Agency for International Development.

DEPARTMENT OF STATE

John Hillen, of Virginia, to be an Assistant Secretary of State (Political-Military Affairs), vice Lincoln P. Bloomfield, Jr., resigned.

Barry F. Lowenkron, of Virginia, to be Assistant Secretary of State for Democracy, Human Rights, and Labor.

AFRICAN DEVELOPMENT FOUNDATION

Jendayi Elizabeth Frazer, Assistant Secretary of State (African Affairs), to be a Member of the Board of Directors of the African Development Foundation for the remainder of the term expiring September 27, 2009.

DEPARTMENT OF STATE

Francis Rooney, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Holy See.

Alfred Hoffman, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Portugal.

Charles A. Ford, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Honduras.

Mark Langdale, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Costa Rica.

Brenda LaGrange Johnson, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Jamaica.

Alexander R. Vershbow, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Korea.

Patricia Louise Herbold, of Washington, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Singapore.

William Paul McCormick, of Oregon, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand, and serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Samoa.

DEPARTMENT OF THE INTERIOR

H. Dale Hall, of New Mexico, to be Director of the United States Fish and Wildlife Service, vice Steven A. Williams, resigned.

NUCLEAR REGULATORY COMMISSION

Edward McGaffigan, Jr., of Virginia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2010. (Reappointment)

ENVIRONMENTAL PROTECTION AGENCY

George M. Gray, of Massachusetts, to be an Assistant Administrator of the Environmental Protection Agency.

Lyons Gray, of North Carolina, to be Chief Financial Officer, Environmental Protection Agency.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

FOREIGN SERVICE

PN796 Foreign Service nomination of Robert S. Connan, which was received by the Senate and appeared in the Congressional Record of July 29, 2005.

Mr. LEVIN. Mr. President, I rise to address the nomination of Stewart Baker to be Assistant Secretary for Policy at the Department of Homeland Security.

Last week, when Mr. Baker's nomination came before the Senate Committee on Homeland Security and Governmental Affairs, I voted no. That is my position today.

Mr. Baker is an intelligent and accomplished man, but he does not have the experience necessary to fill this important post at this important time. Mr. Baker is a lawyer with experience in national security, trade, and technology. He has been widely published on topics such as cyber-security and civil liberties. I understand that he performed capably as the general counsel of the Silverman-Robb Commission on WMD intelligence capabilities. Mr. Baker might be well qualified for many positions at DHS, but he is not qualified to be Assistant Secretary for Policy.

During his confirmation hearing before our committee, Mr. Stewart testified that he expected to be the "central player" at DHS on "lessons learned" from Hurricane Katrina, to develop emergency response policy, and to be a key player on immigration reform,

among other matters. Yet when asked at his hearing if he had emergency response experience, he said "no." He also admitted to having little expertise on immigration issues.

While no one could be expected to be an expert on all of the issues addressed by DHS, it makes little sense to me to appoint a person with no emergency response experience to be the central player on lessons learned from Katrina, or to appoint a person with little immigration expertise to articulate Federal immigration policy, especially when, over the next few years, both issues—emergency response and immigration—will be so prominent at the Department. As we have learned from the Katrina disaster, we cannot afford to have inexperienced people in senior positions at DHS for on-the-job training.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

SEQUENTIAL REFERRAL OF NOMINATION

Mr. STEVENS. Mr. President, as in executive session, I ask consent that when the Committee on Homeland Security and Governmental Affairs reports the nomination of Julie Myers, the nomination then be sequentially referred to the Judiciary Committee for up to 30 calendar days; provided further that if not reported by that time, the nomination be automatically discharged from the Judiciary Committee and placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION SIGNING

Mr. STEVENS. Mr. President, I ask unanimous consent that during the adjournment of the Senate, the majority leader and senior Senator from Virginia be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION TO MAKE ADJOURNMENT APPOINTMENTS

Mr. STEVENS. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore of the Senate, the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences or nonparliamentary conferences authorized by law, by current action of the two Houses or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—ADJOURNMENT RESOLUTION

Mr. STEVENS. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate, when the Senate receives from the House the adjournment resolution, the text of which is at the desk, the concurrent resolution be considered agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

FUTURE STATUS OF KOSOVO

Mr. STEVENS. I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration and the Senate now proceed to consider Senate Resolution 237.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 237) expressing the sense of the Senate on reaching an agreement on the future status of Kosovo.

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, I ask unanimous consent the Senate resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 237) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 237

Whereas, on June 10, 1999, the United Nations Security Council adopted Resolution 1244 which authorized the Secretary-General of the United Nations to establish an interim administration for Kosovo to assume the supreme legal authority in Kosovo with the task of promoting "substantial autonomy and self-governance" in Kosovo and facilitating a political process to determine the future status of Kosovo;

Whereas, on December 10, 2003, the United Nations interim administration, known as the United Nations Interim Administration Mission in Kosovo, presented the Standards for Kosovo document which set out the requirements to be met to advance stability in Kosovo;

Whereas the Standards for Kosovo require the establishment of functioning democratic institutions in Kosovo, including providing for the holding of elections, establishing the Provisional Institutions of Self-Government, and establishing media and civil society, the establishment of rule of law to ensure equal access to justice and to implement mechanisms to suppress economic and financial crime, and the establishment of freedom of movement in Kosovo, including the free use of language;

Whereas the Standards for Kosovo further require sustainable returns and the rights of communities and their members, improvements in economic and financial institutions, including the prevention of money laundering and the establishment of an attractive environment for investors, the establishment of property rights, including the